IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 23480 of 1999

Between:

M. Vasantha Kumar , S/o. David,
R/o. H.No.III/122, Block No.13VPT Qtrs. Saligrampuram,
Visakhapatnam.

..... PETITIONER

AND

1 The Managing Director, Bharat Heavy Plates & Vessels Ltd.,
Visakhapatnam - 530 012.
2 The Deputy General Manager(Production) Bharat Heavy Plates &
Vessels Ltd., Visakhapatnam - 530 012.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ order or direction particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in dismissing the petitioner from service is arbitrary, illegal, and void and consequently to set-aside the orders No.HR/4/3823,Dt.20.4.1992 of the 2nd Respondent with all consequential benefits such as, arrears of salary, seniority, increments and the like and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR. G VASANTHA RAYUDU

Counsel for the Respondent Nos. 1 & 2.: MR.P. NAGESWARA SREE, (SC FOR BHPV, VIZAG)

The Court made the following:

ORDER:

This writ petition is filed seeking to declare the action of the 2nd respondent dismissing the petitioner from his services through his proceedings No.HR/4/3823, dt.20-4-1992 as illegal and void and consequently to set-aside the same with all consequential benefits such as arrears of salary, seniority, increments etc.

Heard Mr G. Vasantha Rayudu, learned counsel appearing on behalf of the petitioner and also Mr P. Nageswara Sree, learned counsel appearing on behalf of the respondents.

The petitioner, who was an employee worked with the respondent company, files this writ petition inter alia seeking to assail the impugned order dated 20-4-1992 passed by the 2nd respondent herein, where under his services were sought to be terminated on the ground that there is suppression in regard to his caste at the time of appointment.

Having heard the counsel on either side, at length, it is noted that there is no dispute to the fact that the impugned proceedings came to be passed purely based upon the proceedings of the District Collector dated 19-2-1990, whereunder the caste certificate issued in favour of the petitioner was cancelled. According to the learned counsel for the petitioner the same was under challenge before the Government. But, at later stage, the said appeal was also dismissed as per the orders in GORt.No. 469, Social Welfare (J1) Department, dated 20-7-1996. Admittedly, in this case, no challenge has been made or any separate writ petition has been filed assailing the proceedings of the District Collector, dated 19-2-1990 or that of the disposal of the appeal against the said orders dated 20th July 1996. As long as those orders remained un-assailed, wherein the very caste certificate issued in favour of the petitioner was cancelled on which the petitioner sought to place reliance is not challenged, it is not open to the petitioner to assail the consequential proceedings taken up by the respondents company for termination of his services. Though several contentions sought to be urged on merits pointing out to show that the petitioner in fact belongs to Scheduled Caste community, however, on the face of that fact that the said certificate no longer stands in the eye of law and that having

already been cancelled by the competent authority and having the said order been confirmed in the appeal, nothing survives in this writ petition nor this Court can go into any such questions. Further, neither the District Collector nor the Government is a party nor any attempt is made challenging the prayer in this proceedings. Hence, I do not find any merit in the writ petition.

The writ petition is accordingly dismissed. No costs.

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B. PRAKASH RAO, J

Dt 24-01-2005.

Kvrk

To

1. The Managing Director, Bharat Heavy Plates & Vessels Ltd.,
   Visakhapatnam - 530 012.
2 The Deputy General Manager(Production) Bharat Heavy Plates & Vessels Ltd., Visakhapatnam - 530 012.

3. Two CD copies.